

REMARKS

This application has been carefully reviewed in light of the Office Action dated November 17, 2004. Claims 1-29 remain pending in this application. Claims 1, 10, and 23 are the independent claims. Favorable reconsideration is respectfully requested.

On the merits, the Office Action rejected Claims 1-18 and 21-25 under 35 U.S.C. § 103(A) as being unpatentable over Dunn et al. (U.S. Patent No. 5,758,288; hereinafter "Dunn") in view of Hillis (U.S. Patent No. 5,303,297; hereinafter "Hillis"). The Office Action also rejected Claims 20 and 27-29 under 35 U.S.C. § 103(a) as being unpatentable over Dunn in view of Hillis and further in view of McLampy et al. (U.S. Patent No. 5,566,236; hereinafter "McLampy"). Applicant respectfully traverses the rejections for at least the following reasons:

As stated in the Office Action, Dunn fails to recite or suggest "that billing can be done using a least cost routing that is choosing a rate lower than a normal rate or choosing rate based on location where the rate would be lower/higher than a usual rate, even though according to Dunn, billing or charges would be performed based on location information." The Office Action states: "Hillis teaches a dynamic pricing method... wherein a call rate can change based on location information before placement of a call or during a call in." Applicants respectfully believe that

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Hillis does not recite or suggest a dynamic pricing method. Rather, Hillis recites computing a call rate at a telephone system 30, transferring the rate information back to an individual subscriber unit 15, and then alerting a user to the rate information. The user then decided whether or not to place a call based on the calculated rate. (See, e.g., Col. 3, lines 57-64) Even though Hillis' system "continues to update the rate information" (Col. 4, lines 12-13) this only then alerts the user to a calculate rate and requires a user to decide whether or not to place a call.

Hillis and Dunn fail to recite or suggest transmitting, in response to the reception of the first signal, a second signal to a base station of the telecommunication system which switches over to a different user rate in response to the reception of the second signal. Rather, the combination of Dunn and Hillis would require a user to actively select whether a given rate was desirable enough to place the call once a second signal was available based on location, time, etc. This active step required by Hillis teaches away from Applicant's invention by requiring this active step, as opposed to transmitting a second signal and switching to that second signal based on the user rate. Thus Applicant respectfully traverses the § 103 rejection of Claim 1.

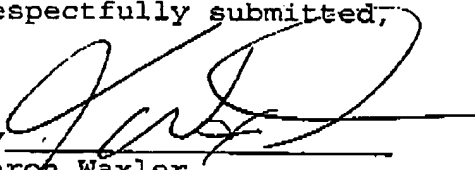
Claims 10 and 23 recite a system and a fixed station, respectively, substantially corresponding to the method of Claim 1 and are believed patentable for at least the same reasons.

Claims 2-9, 11-22, and 24-29 depend from one or another of the independent claims discussed above and are believed patentable for at least the same reasons. In addition, Applicant respectfully believes Claims 2-9, 11-22, and 24-29 to be independently patentable and request separate consideration of each claim.

In view of the foregoing remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached by telephone at the number given below.

Respectfully submitted,

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